

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**ANDREW JOSTEN LOVINGOOD,**

Plaintiff,

**v.**

**No. 3:19-cv-00009**

**BILL JOHNSON, DERRICK GRAVES;**

Defendants.

**MEMORANDUM IN SUPPORT OF MOTION IN LIMINE NO. 3**

This case was originally filed by attorney John Eldridge April 9, 2015. Judge Poplin was then the Clerk of Court. Attorney Eldridge voluntarily dismissed the case without prejudice.

In the interim, Mr. Lovingood sought to impose criminal liability upon this Defendant and the same was rejected by a jury in the Circuit Court for Monroe County, Tennessee and this Defendant was acquitted of all charges.

Nevertheless, Plaintiff refiled a federal district court civil action January 5, 2019.

The Scheduling Order entered May 26, 2020 [Doc. 22] required Plaintiff to submit expert disclosures on or before August 3, 2020, some six years after the alleged incident. He never has.

Federal Rule of Civil Procedure 26 is specific. Plaintiff cannot submit any form of evidence at trial which requires or must be supported by expert testimony.(emphasis added)

Testimony regarding alleged injuries and alleged causation fall within the realm of expert testimony. Accordingly, it is respectfully submitted that Defendant's Motion in Limine be granted and Plaintiff be prohibited from introducing evidence of any kind concerning any alleged injury with respect to the April 19, 2004 incident.

RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of November, 2021.

s/ Arthur F. Knight, III  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/Arthur F. Knight, III  
Arthur F. Knight, III